

HAYNES BOONE



September 30, 2022

Via ECF

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

***Re: GMO Gamecenter USA Inc. and GMO Internet, Inc. v. Whinstone US, Corporation,
No. 1:22-cv-5974 (S.D.N.Y.)***

Dear Judge Cronan:

We represent plaintiff GMO Gamecenter USA Inc. and GMO Internet, Inc. (collectively, “GMO”) in the above-captioned matter. We write regarding a misnomer of the defendant entity in the Complaint, Amended Complaint, and the case caption in this matter.

GMO named defendant “Whinstone US, Corporation” in its complaint and first amended complaint, since that entity is named in the W Colocation Services Agreement (Texas) at the center of this action. However, after conferring with the defendant’s counsel, our understanding is that the correct entity name is “Whinstone US, Inc.” and the designation of “Whinstone US, Corporation” in the Colocation Agreement was a misnomer. To correct the misnomer in the case caption, GMO hereby files a second amended complaint that names “Whinstone US, Inc.” as the defendant, but is otherwise identical to the GMO’s first amended complaint. Counsel for Whinstone US, Inc. has consented to GMO’s filing of the second amended complaint to correct the case caption. *See* Federal Rule of Civil Procedure 15(a)(2).

Very truly yours,

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cc: All counsel via ECF